

**REMARKS**

This communication responds to the Office Action mailed September 29, 2010. Claims 1-54 were originally filed. Claims 55-60 were subsequently added. Claims 8-27 and 35-54 have been previously cancelled without disclaimer of or prejudice to the subject matter contained therein. Claims 1-7, 28-34 and 55-60 remain pending.

**CLAIMS 1-3, 6, 7, 28-30, 33, 34 & 55-58 REMAIN PATENTABLE OVER****WONG ET AL. AND SANDERS, EITHER TAKEN ALONE OR IN COMBINATION**

The Examiner rejected claims 1-3, 6, 7, 28-30, 33, 34 and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0028468 filed by Wong et al. [hereinafter “Wong et al.”] in view of U.S. Patent Publication No. 2001/0042036 filed by Sanders [hereinafter “Sanders”]. The Applicant respectfully disagrees with the Examiner’s characterization of these references vis-à-vis the claims at issue.

The citations to Wong et al. fail to show determining an amount of a desired *portfolio* that must be purchased on margin to match the user specified risk/reward value. Rather, Wong et al. merely discusses purchasing a single security on margin. As such, the proposed combination of Wong et al. fails to result in the claimed invention. In light of the above remarks, the Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claims 1-3, 6, 7, 28-30, 33, 34 and 55-58.

**CLAIMS 4, 31 AND 59 ARE PATENTABLE OVER**

**WONG ET AL., SANDERS AND NOLAN, EITHER TAKEN ALONE**

**OR IN ANY COMBINATION**

The Examiner rejected claims 4, 31 and 59 under 35 U.S.C. § 103(a) as being unpatentable over the above combination of Wong et al. and Sanders in view of U.S. Patent No. 5,754,873 to Nolan [hereinafter “Nolan”]. The Applicant respectfully disagrees with the Examiner’s characterization of these references vis-à-vis the claims at issue.

As described above, the combination of Wong et al. and Sanders fails to teach using margin purchasing to match a user specified risk/reward characteristic when purchasing a portfolio having a predetermined asset allocation ratio. As the Examiner has not cited Nolan for this teaching, the proposed combination of references fails to result in the claimed invention. In light of the above remarks, the Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claims 4, 31 and 59.

**CLAIMS 5, 32 AND 60 ARE PATENTABLE OVER**

**WONG ET AL., SANDERS AND MARKS ET AL., EITHER TAKEN ALONE OR IN**

**ANY COMBINATION**

The Examiner rejected claims 5, 32 and 60 under 35 U.S.C. § 103(a) as being unpatentable over the above combination of Wong et al. and Sanders in view of U.S. Patent Publication No. 2001/0053944 by Marks et al. [hereinafter “Marks et al.”]. The Applicant respectfully disagrees with the Examiner’s characterization of these references vis-à-vis the claims at issue.

As described above, the combination of Wong et al. and Sanders fails to teach using margin purchasing to match a user specified risk/reward characteristic when purchasing a portfolio having a

predetermined asset allocation ratio. As the Examiner has not cited Marks et al. for this missing teaching, the proposed combination of Wong et al., Sanders and Marks et al. fails to teach the claimed invention. In light of the above remarks, the Applicant therefore respectfully requests reconsideration and withdrawal of the rejection of claims 5, 32 and 60.

### CONCLUSION

Reconsideration and withdrawal of all of the rejections are requested in view of the previous remarks. The Applicant respectfully submits this Application is in condition for allowance and requests issuance of a Notice of Allowance.

If additional amounts are due for any reason it is respectfully requested that the PTO charge any deficiency or credit any overpayment to the deposit account of MICHAEL P FORTKORT PC, Deposit Account No. 50-3776.

In the event the prosecution of this application can be efficiently advanced by a phone discussion, it is requested that the undersigned attorney be called at (703) 435-9390.

Respectfully submitted,

By /Michael P. Fortkort/  
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